

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE**

**DANA ALBRECHT,**  
*[DESTINIE L. BERARD]*<sup>1</sup>

**Plaintiff(s)**

**V.**

**HON. JOHN PENDLETON, *et al.*,**

## Defendants.

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**Civil No. 1:25-cv-00093-SM-AJ**

## PLAINTIFF(S)' NOTICE OF SUPPLEMENTAL AUTHORITIES

Plaintiff Dana Albrecht respectfully submits this Notice of Supplemental Authorities in support of the claims alleged in the Amended Complaint ([ECF No. 39](#)), particularly Count XVII, which challenges [N.H. Rev. Stat. § 173-B:9](#) as unconstitutional as-applied.

These materials are being filed as supplemental authorities because some of the documents attached were only obtained yesterday, July 10, 2025, despite diligent efforts to secure them earlier. For example, the hearing notice included herein was requested in person on June 26, 2025, but was not produced by the state court until yesterday. Similarly, Plaintiff only received a copy of Judge Pendleton's narrative order on continuances yesterday, despite having submitted a formal request for copies on June 24, 2025.

1 Ms. Berard has filed a *Motion for Joinder* ([ECF No. 24](#)) that is presently pending.

Due to the limitations of the state court's procedures – which do not accept electronic filings or requests – and the delays inherent in postal service delivery, Mr. Albrecht has been required to travel extensively, including round trips exceeding one hour each way from Nashua to Hampton, to obtain these documents in a timely manner. While some exhibits, such as the Motion to Dismiss authored by Mr. Albrecht, have been in his possession for some time, other critical documents were only made available within the past day. Accordingly, Plaintiff could not have submitted these materials sooner.

Specifically, Plaintiff(s) attach the following documents:

**1. Criminal Complaint (June 14, 2022)**

This is the original criminal complaint filed in *State of New Hampshire v. Destinie L. Berard*, No. 441-2024-CR-00353, charging Ms. Berard with a Class A misdemeanor for violation of a protective order under [RSA 173-B:9](#). The complaint alleges that on May 30, 2022, at 12:45 PM, she knowingly came within 300 feet of the protected party at Saint Elizabeth of Hungary Mission Church in Seabrook, NH. Notably, Judge Ellen V. Christo hand-initialed “EVC” and checked the box indicating that counsel **shall** be appointed for Ms. Berard.

**2. Bail Order (March 18, 2024)**

This bail order was issued at a video arraignment on Monday, March 18, 2024, after Ms. Berard spent the weekend in preventive detention following a Friday arrest. She was released on personal recognizance with conditions, including compliance with all civil domestic violence protective orders then in effect until July 10, 2025. The order was signed by Judge Ellen V. Christo and set the next hearing date.

**3. Request for Copies (June 24, 2025)**

This filing is a formal request submitted by Dana Albrecht on June 24, 2025, seeking certified copies of all appearances filed by state prosecutors in the case. The state court responded that no records were found, meaning no state prosecutor had ever entered an appearance. This absence of prosecutorial appearance raises significant questions regarding proper representation of the State in this ongoing criminal matter.

**4. Motion to Dismiss (April 17, 2025)**

Filed by Ms. Berard, through her non-attorney representative Mr. Albrecht, on April 17, 2025, this motion seeks dismissal of the charge on constitutional grounds. It argues that the underlying protective order was obtained through perjured testimony by the complainant, Officer Patrick Szymkowski, thus rendering any prosecution for violating that order a violation of due process and equal protection rights. The motion remains unopposed, and no decision has been issued by the state court to date.

**5. State's Motion to Continue (May 13, 2025)**

This motion, filed by the State and received by the court on May 14, 2025, sought to continue the trial scheduled for May 15, 2025, due to unavailability of its primary witnesses, including the complainant Officer Szymkowski. The motion was granted without substantive comment by Judge Ellen V. Christo. This continuance exemplifies a recurring pattern wherein the court grants last-minute continuance requests by the State – in this instance, a mere one day before trial – even when caused by State scheduling decisions such as mandatory officer training, while defense requests for continuance are often scrutinized or denied.

**6. Defense Motion to Continue and Court Order (June 24, 2025)**

Filed by Ms. Berard's newly appointed counsel, Attorney Justin Shepherd, this motion requested continuance of the June 26, 2025 trial date due to a scheduling conflict with an ongoing Superior Court jury trial. Judge John Pendleton granted the continuance but issued a narrative order criticizing the timing of the request and warning that no further continuances would be granted absent extraordinary circumstances. The order noted the burden created on the court's docket by repeated delays, yet offered little acknowledgment that Attorney Shepherd had only recently been appointed and filed his motion three days before trial. The court's tone underscores systemic inequities, especially given that earlier delays in the case resulted directly from the failure to appoint counsel despite Judge Christo's order over a year prior written on the original Complaint.

**7. Notice of Trial (July 17, 2025)**

This notice sets the next trial date for July 17, 2025, at 9:00 AM for two hours in Hampton District Court. It does not include any description of the charge, statute, or date of offense within the body of the notice, merely stating that a trial has been scheduled. The notice reiterates that failure to appear could result in an arrest warrant.

Plaintiff submits these authorities solely for the Court's information and does not offer additional briefing or argument at this time.

Respectfully submitted,



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DANA ALBRECHT

*Pro Se*

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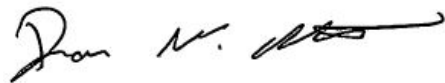
(603) 809-1097

[dana.albrecht@hushmail.com](mailto:dana.albrecht@hushmail.com)

July 11, 2025.

**CERTIFICATE OF SERVICE**

I, Dana Albrecht, hereby certify that a copy of this Notice shall be served on all parties and/or counsel of record registered through the ECF system.



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DANA ALBRECHT

July 11, 2025